

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

ORIGINAL

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)

On Its Own Motion)

-vs-)

Docket No. 00-0494

Central Illinois Light Company,)

Central Illinois Public Service Company,)

Commonwealth Edison Company,)

Illinois Power Company,)

Interstate Power Company,)

MidAmerican Energy Company,)

Mt. Carmel Public Utility Company,)

South Beloit Water, Gas, and Electric Company,)

and Union Electric Company.)

Proceeding on the Commission's own motion)

concerning delivery services tariffs of all Illinois)

electric utilities to determine what if any changes)

should be ordered to promote statewide uniformity)

of delivery services and related tariffed offerings.)

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ILLINOIS
COMMERCE COMMISSION

ILLINOIS POWER COMPANY'S

**Response to Motion to File Instant and "Reply Brief on Exceptions"
Of MidAmerican Energy Company**

Now comes Illinois Power Company (IP) by and through its Senior Attorney, Beth O'Donnell and responds as follows to the Motion to File Instant ("Motion) and "Reply Brief on Exceptions" ("RBOE") of MidAmerican Energy Company (MEC).

1. MEC's reason for the late filing of its RBOE is insufficient. IP's Brief on Exceptions ("BOE") was electronically sent to the service list in this proceeding, including MEC's attorney, at approximately 2:12pm on October 13, 2000, the Friday preceding the deadline for reply briefs on exception.
2. MEC's RBOE requests that IP clarify its intentions in filing its BOE in this Docket and, if IP has no intention by its BOE to render null and void the Joint Stipulation ("Stipulation") filed in this Docket, to withdraw the BOE and reaffirm its support for the Stipulation.

3. IP should have thought that it was abundantly clear that the purpose of its BOE was merely to offer corrections to the Hearing Examiner's Proposed Order ("HEPO").
4. Corrections of a HEPO should not be viewed as a "...party ... object(ing) in any manner to the Hearing Examiner's Proposed Order", thereby voiding the Stipulation according to its terms. (Stipulation at 10)
5. If corrections were viewed as objections, then all parties would be faced with an unsolvable dilemma if the HEPO happened to be inconsistent with the Stipulation. The dilemma would exist that, if the HEPO by its terms were sufficiently inconsistent with the Stipulation so as to void it, the necessary request for correction would also void it.
6. Despite these logical deficiencies and the untimeliness of MEC's so-called RBOE, IP will happily withdraw its BOE if to do so will remove any pretext for a party to abandon the Stipulation by an unwarranted attempt to view it as null and void.
7. IP stands by its word and its commitment to the Stipulation pursuant to its terms, as evidenced by the signature on the Stipulation of its undersigned attorney.

WHEREFORE, IP knows not what relief to request of the Illinois Commerce Commission other than to rely upon its undoubted wisdom to dispose of the matter consistent with good sense and the demonstrated comity of Illinois Power Company to cooperate with its fellow signatories to uphold the Joint Stipulation.

Respectfully submitted,
ILLINOIS POWER COMPANY

By 

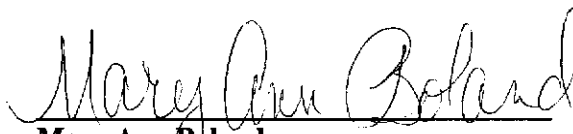
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AFFIDAVIT

I, Mary Ann Boland on oath state:

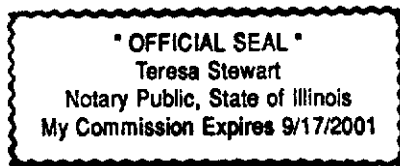
- 1. That I am a paralegal with Illinois Power Company located at 500 S. 27th St.,
Decatur, IL 62521.**
- 2. That I have personal knowledge of the facts stated herein.**
- 3. That in support of Beth O'Donnell's Response to Motion to File Instanter and
"Reply Brief on Exceptions" of MidAmerican Energy Company, I electronically
sent IPC's Brief on Exceptions in the Uniformity case at approximately 2:12pm on
October 13, 2000, the Friday preceding the deadline for reply briefs on exception.**

Further affiant sayeth not.


Mary Ann Boland

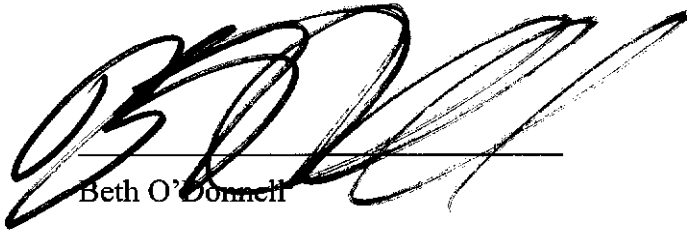
**Subscribed and sworn to before me
this 20th day of October, 2000.**


Notary Public



PROOF OF SERVICE

Beth O'Donnell, one of the attorneys for Illinois Power Company, hereby certifies that on October 20, 2000, she caused copies of the foregoing Response to Motion to File Instantly and "Reply Brief on Exceptions" of MidAmerican Energy Company to be served electronically on the persons on the attached Service List and by deposit in the United States mail, first class postage prepaid, at 500 South 27th Street, Decatur, IL 62521-2200.



Beth O'Donnell

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